

EXHIBIT G

DARCY BLACK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of
DARCY BLACK, Plaintiff, taken pursuant to the Federal Rules
of Civil Procedure, in the law offices of BARCLAY DAMON
LLP, The Avant Building, Suite 1200, 200 Delaware Avenue,
Buffalo, New York, taken on January 23, 2018, commencing at
9:35 A.M., before ERIN L. COPPING, Notary Public.

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1 APPEARANCES:

2 GRECO TRAPP, PLLC,
3 By JOSEPHINE A. GRECO, ESQ.,
and DANIEL PALERMO, ESQ.,
4 1700 Rand Building,
14 Lafayette Square,
Buffalo, New York 14203,
5 Appearng for the Plaintiff.

6 BARCLAY DAMON LLP,
7 By RANDOLPH C. OPPENHEIMER, ESQ.,
and MEGAN E. BAHAS, ESQ.,
8 The Avant Building, Suite 1200,
200 Delaware Avenue,
Buffalo, New York 14202,
9 Appearng for the Defendants.

10 PRESENT: Diane Seibert
Keegan Roberts

11
12
13 (The following stipulations were entered
14 into by both parties.)

15 It is hereby stipulated by and between counsel
16 for the respective parties that the oath of the
17 Referee is waived, that filing and certification
18 of the transcript are waived, and that all
19 objections, except as to the form of the
20 questions, are reserved until the time of trial.

21
22
23

1 A. No.

2 Q. Did you ever receive an employee handbook at
3 Laidlaw Bus Company?

4 A. Yes.

5 Q. Did you ever receive an employee handbook at TNT
6 Bus Service?

7 A. Yes.

8 Q. Did you ever receive an employee handbook at
9 Marriott Sodexo?

10 A. Yes.

11 Q. Did you ever receive an employee handbook when
12 you worked for Able Transportation?

13 A. Yes.

14 Q. Did you ever receive an employee handbook when
15 you worked for Dependable Cab?

16 A. I do not recall.

17 Q. Did you receive an employee handbook during your
18 training for NCO Financial?

19 A. Yes.

20 Q. And did you receive an employee handbook when you
21 worked for Mobil?

22 A. I do not recall.

23 Q. With respect to the subject of harassment, sexual

1 or otherwise in the workplace, did you receive
2 any training at any of the employers that we've
3 been discussing? When I'm talking about training
4 in this sense I'm referring to a session in a
5 room where people are discussing what sexual
6 harassment is, what is prohibited in the
7 workplace, how people should behave.

8 A. Yes.

9 Q. Which company or companies did that occur?

10 A. Kmart, Laidlaw, TNT and NCO.

11 Q. What was the thrust of the training that you
12 received with respect to sexual harassment at
13 that session at -- was it one session at Kmart?

14 MS. GRECO: Objection, form.

15 BY MR. OPPENHEIMER:

16 Q. What was the form of the training concerning
17 sexual harassment at Kmart?

18 A. I do not recall.

19 Q. Was there more than -- did you have more than one
20 experience at Kmart where there was training on
21 sexual harassment?

22 A. No.

23 Q. Okay. Are you able to recall what the training

1 was like for sexual harassment at Laidlaw?

2 A. Every year they touch base on it in a classroom
3 with the other drivers.

4 Q. Can you recall anything about the substance of
5 the training that you received at Kmart on
6 subject of sexual harassment?

7 MS. GRECO: Can you just read that back.

10 | THE WITNESS: I do not recall.

11 BY MR. OPPENHEIMER:

12 Q. What about Laidlaw, are you able to recall the
13 substance of any of the training concerning
14 sexual harassment at Laidlaw?

15 MS. GRECO: Objection, form.

16 THE WITNESS: I do not recall.

17 BY MR. OPPENHEIMER:

18 Q. What was the form of the training on sexual
19 harassment at TNT Bus Service?

20 A. I do not recall.

21 Q. What was the form of the training concerning
22 sexual harassment at NCO Financial?

23 A. I just remember we were hired with a group of ten

1 and we all trained together and that was part of
2 our packet of training.

3 Q. Do you recall -- so in terms of training, you're
4 thinking about receiving a packet of information
5 at NCO?

6 A. Yes, that they went over with us individual --
7 like each individual page.

8 Q. Is that what they did at Kmart, they went over
9 some written materials with you at some point on
10 the subject of sexual harassment?

11 A. Yes.

12 Q. Is that what they did at Laidlaw, going over some
13 written material with you on the subject of
14 sexual harassment?

15 A. Yes.

16 Q. And is that what they did with you at TNT Bus
17 Service, they went over some written material
18 concerning the subject of sexual harassment?

19 A. Yes.

20 Q. Those four companies, Kmart, Laidlaw, TNT and
21 NCO, those are the ones that you received some
22 sort of training on sexual harassment, as you
23 just testified. Was the subject of race

1 discrimination covered?

2 A. Yes.

3 Q. Was it covered in the same way that you've just
4 testified about sexual harassment, meaning that
5 they went over some written materials on the
6 subject of race discrimination?

7 A. Yes.

8 Q. And that occurred in each of those four
9 employers?

10 A. Yes.

11 Q. Okay. Did you ever receive any training on the
12 subject of equal pay for equal work, meaning that
13 men and women who are performing similar work
14 under similar circumstances with similar skills,
15 experience, et cetera, should be paid the same?

16 A. Yes.

17 MS. GRECO: Objection, form.

18 BY MR. OPPENHEIMER:

19 Q. Where did you receive any training on the subject
20 of equal pay for equal work?

21 A. Kmart, Laidlaw, and NCO.

22 Q. What did the training on the subject of equal pay
23 for equal work consist of at Kmart?

1 Q. Is cleaning the exterior of the building a job
2 that you wanted to be trained how to do?

3 A. Yes.

4 Q. When do you think you should have been offered
5 the opportunity to learn what they wanted done
6 with respect to cleaning the exterior of the
7 building?

8 A. I could have done that in 2006.

9 Q. Would that -- cleaning the exterior of the
10 building, would that have included snow
11 shoveling, as far as you're concerned, you wanted
12 to learn how to do that?

13 A. I did do that.

14 Q. Did you do any of the landscaping outside?

15 A. No.

16 Q. Did you take any garbage out?

17 A. Yes.

18 Q. Okay. Were you ever given a key to the butcher
19 shop?

20 A. No.

21 Q. Did you ever ask for a key?

22 A. No.

23 Q. Do you think you should have been given a key?

1 A. Yes.

2 Q. Who did you ask?

3 A. Diane.

4 Q. When?

5 A. I don't recall.

6 Q. Did you ask Robert?

7 A. No.

8 Q. Did you ask Keegan?

9 A. No.

10 Q. Did you ask anyone else?

11 A. No.

12 Q. Okay. Did you ask Diane, Robert, or Keegan
13 whether you could have the opportunity to learn
14 meat cutting at Black Angus?

15 A. No.

16 Q. Did you ask anyone else? .

17 A. No.

18 Q. Did you ever ask Diane, Robert --

19 MS. GRECO: Object to form.

20 BY MR. OPPENHEIMER:

21 Q. Did you ever ask Diane, Robert or Keegan to give
22 you the opportunity to learn how to process deer?

23 A. What part of it?

1 asked him for an opportunity to learn how to use
2 the meat grinder?

3 A. I don't recall at this time.

4 Q. Okay. Did you ever ask Diane, Robert or Keegan
5 for an opportunity to learn how to use the cuber?

6 A. No.

7 Q. Anyone else that you asked for an opportunity to
8 learn how to use the cuber?

9 A. Thomas.

10 Q. Is that what you told us about earlier?

11 A. Yes.

12 Q. Okay. The same thing, when you mentioned Thomas
13 about the meat grinder, you talked about that a
14 little earlier, right?

15 A. Um-hum.

16 Q. Okay. Did you ever ask Diane, Robert or Keegan
17 for an opportunity to learn how to use the
18 smoker?

19 A. No.

20 Q. And that would include learning how to clean it
21 as well, never asked them?

22 A. No.

23 Q. Did you ever ask Diane, Robert or Keegan for an

1 opportunity to learn how to make sausage, the
2 entire process?

3 A. No.

4 Q. Did you ever ask Diane, Robert or Keegan for an
5 opportunity to learn how to make jerky, the
6 entire process?

7 A. No.

8 Q. Did you ever ask Diane, Robert or Keegan for an
9 opportunity to learn how to assemble and
10 disassemble the grinder?

11 A. No.

12 Q. Did you ever ask anyone else about that?

13 A. Tommy.

14 Q. Did you ever ask Diane, Robert or Keegan for an
15 opportunity to learn how to assemble and
16 disassemble the stuffer?

17 A. No.

18 Q. Did you ever ask Diane, Robert or Keegan for an
19 opportunity to learn how to assemble or
20 disassemble the cuber?

21 A. No.

22 Q. Did you ever ask Diane, Robert or Keegan for
23 opportunities to learn how to clean the exterior

1 Q. Why do you believe that gender has something to
2 do with the reason you were not given an
3 opportunity to deliver meat to customers?

4 A. Because no females were ever trained or asked,
5 even when I had brought it to Diane's attention.

6 Q. Any other reasons that you believe what you
7 believe concerning that opportunity?

8 A. I believe the guys got trained and treated better
9 than the women there.

10 Q. Your testimony is that you regularly observed
11 that male employees received more favorable
12 treatment than you with respect to training
13 opportunities?

14 MS. GRECO: Objection to form.

15 THE WITNESS: Yes.

16 BY MR. OPPENHEIMER:

17 Q. Is that your testimony?

18 A. Yes.

19 Q. Do you believe that one of the reasons that you
20 were not given an opportunity with respect to the
21 delivery of fliers on company time had something
22 to do with gender?

23 A. Yes, I do.

1 Q. Why is that?

2 A. Because I was capable of delivering them on my
3 own time and I was not given the opportunity to
4 do so with a crew of females.

5 Q. Okay. Any other reasons that you think that
6 gender was a reason that you were not given the
7 opportunity to deliver fliers on company time?

8 A. No.

9 Q. Do you believe that one of the reasons that you
10 were not given the opportunity to deliver fliers
11 on company time had something to do with race?

12 A. No.

13 Q. With respect to the opportunity to learn and
14 engage in meat cutting at Black Angus, do you
15 believe you were denied that opportunity because
16 of your gender?

17 A. Yes.

18 Q. Why do you believe that?

19 A. Because I was not given the opportunity when I
20 stressed to Tommy I was interested and he said he
21 can't go above his authority.

22 Q. When did Tommy say that?

23 A. It was around possibly 2007 when I had interest

1 2008, and another year would have been to 2007,
2 and then the last of the four would have been
3 sometime back in 2006, right?

4 A. Yes.

5 Q. That's what I'm trying to figure out. When
6 you're saying --

7 A. It was the last three years.

8 Q. Okay. So when you say three years, are you
9 talking about any time in 2006 or are you picking
10 up 2007?

11 MS. GRECO: Objection to form. If you understand it
12 you can answer.

13 THE WITNESS: The end of 2006.

14 BY MR. OPPENHEIMER:

15 Q. Okay. So the end of 2006 through the end of your
16 employment was when you were experiencing some
17 kind of treatment at Black Angus Meats for which
18 you received counseling?

19 A. Yes.

20 Q. Okay. What is the treatment at Black Angus Meats
21 that you're referring to in this sentence, the
22 discrimination?

23 A. Yes.

1 Q. Okay.

2 A. And the hostile work environment.

3 Q. Hostile work environment, the discrimination are
4 claims in this case?

5 A. Yes.

6 Q. That's what you're saying. Okay. That has to do
7 with the way the men were treated as opposed to
8 the way you as a woman were treated?

9 MS. GRECO: Objection to form.

10 THE WITNESS: Towards me.

11 BY MR. OPPENHEIMER:

12 Q. Towards you. The way you were treated as
13 compared to the way the men were treated, that is
14 one of your claims, right?

15 MS. GRECO: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. OPPENHEIMER:

18 Q. You're saying you received counseling because of
19 that during that --

20 A. Not that specifically.

21 Q. The -- that plus the other things that you were
22 dealing with?

23 A. Yes.

1 Q. Okay. On the top of the page it indicates it was
2 received by the EEOC on January 3rd of 2011.

3 Does that help you refresh your recollection?

4 A. It must have been.

5 Q. Okay. So you think you signed it on December 16
6 of 2010 and that the EEOC time stamped it in on
7 January 3rd of 2011, that's what that appears to
8 show us, right?

9 A. Yes.

10 Q. Okay. Under earliest there's a block, it says
11 date discrimination took place. It's down here.
12 Do you see it?

13 A. Yes.

14 Q. It says the earliest, and then it's got a date of
15 5/16/2004. Do you see that?

16 A. Yes.

17 Q. Now, is that a typo? Would that be --

18 A. Yes.

19 Q. 2005?

20 A. Yes.

21 Q. Okay. Because you didn't start your employment
22 in 2004, you started it in May of 2005, right?

23 A. Yes.

1 A. Yes.

2 Q. Okay. On the first page of the exhibit the name
3 of the people to whom this is addressed, the
4 companies to whom it's addressed include Black
5 Angus Meats a/k/a Boulevard Meats and Robert and
6 Diane Seibert. Do you see that?

7 A. Yes.

8 Q. You did not include Keegan in your charge of
9 discrimination, correct?

10 A. Not at this time. It wasn't on there.

11 Q. Okay. And then in the text that was written the
12 four pages of text that are typewritten and
13 attached to that first sheet of this exhibit?

14 A. Yes.

15 Q. Okay. So we'll start there. Just before you
16 read the entire exhibit, the question was do you
17 believe the discrimination occurred prior to the
18 end of 2006, and then you were given an
19 opportunity to read your entire charge. So the
20 question is, do you believe that discrimination
21 occurred prior to the end of 2006? And by
22 discrimination I mean hostile work environment,
23 or your pay act claims, all of the stuff that

1 you're claiming in this case that you claim had
2 something to do with gender or race.

3 A. Yes.

4 Q. When?

5 A. When I started performing more duties at work.

6 Q. Okay. Was that sometime in 2005?

7 A. When I started in 2006, the beginning.

8 Q. Okay. The beginning of 2006?

9 A. Yes.

10 Q. Okay. So you think sometime in the beginning of
11 2006 the discrimination started?

12 A. Yeah.

13 MS. GRECO: Objection to form.

14 BY MR. OPPENHEIMER:

15 Q. I'm just trying to figure out what you're saying.
16 Prior to reading this --

17 A. As my duties I learned more there, I wanted to
18 learn more so that I could get better pay raises
19 like the guys did. That's what their -- they
20 were doing so I thought I could do that too to
21 better myself because I was helping the company
22 better.

23 MS. GRECO: He's asking about all your

Now, what I'm focusing on is the words you used, during the time of my employment. So your employment began in May of 2005. Are you claiming that the discrimination began when your employment began in May of 2005? Because you used the words during the time of my employment in this -- and in other parts of your appendix that I'll point out.

10 MS. GRECO: I object to the form of the question.

11 | THE WITNESS: Yes.

12 | BY MR. OPPENHEIMER:

13 Q. Okay. So when you refer to Sean Round, you
14 referred to in the next paragraph it says that he
15 was hired in 2005, and then you refer to the
16 amount that he was being paid. So you believe
17 that the pay discrimination claims that you have
18 in this case arose back in or relates to the pay
19 that he was receiving back in 2005?

20 A. Yes.

21 | MS. GRECO: Object to the form. You can answer.

22 BY MR. OPPENHEIMER:

23 Q. You compare yourself to Sean Round in this case

1 for purposes of whether he was being paid more
2 for doing similar work?

3 A. We were doing the same work.

4 Q. I'm asking you if you compare yourself to Sean
5 Round.

6 A. Yes.

7 Q. Okay. Do you compare yourself to Jamie Lapress?

8 A. Yes.

9 Q. For your pay claims?

10 A. I could be.

11 Q. Okay. You could be or you are comparing yourself
12 to Jamie Lapress for your pay claims?

13 A. Yes.

14 Q. Are you comparing yourself to Mark Leible for
15 your pay claims?

16 A. Yes.

17 Q. Okay. The paragraph after Sean Round refers to
18 Patrick Howells in October to March each year
19 during the time I was employed. So again, that
20 is what I was focused on, trying to figure out if
21 your pay claims began when your employment began.

22 Right?

23 A. Yes.

1 similarly situated males such as Mark Leible,
2 Jamie Lapress, Sean Round and Patrick Howells
3 have been paid at a higher salary rate for doing
4 similar work, close quote.

5 What does that have to do with training or
6 opportunities to do work?

7 MS. GRECO: Objection to the form of the question.

8 Asked and answered. She can tell you again.

9 THE WITNESS: We were paid differently for doing the
10 same stuff.

11 MR. OPPENHEIMER: I'm not asking --

12 THE WITNESS: I can't find it in here.

13 MS. GRECO: Objection to form. Don't guess. Just
14 answer the question he's asking you.

15 MR. OPPENHEIMER: Counsel --

16 MS. GRECO: You keep asking the same question. She
17 answered it. You don't like it. You want your
18 answer, let her answer the way she wants. It is
19 what it is.

20 BY MR. OPPENHEIMER:

21 Q. I'm going to put in front of you what's been
22 marked as Exhibit D-8. I have a copy for you.
23 That is D-8.

1 you were working in the pack room, is it
2 something that you regularly observed?

3 A. Yes.

4 Q. Paragraph -- read paragraph twenty-five to
5 yourself, just like we did with paragraph
6 twenty-four.

7 A. Okay.

8 Q. All right. When did you first observe the facts
9 on which the -- which are addressed in paragraph
10 twenty-five?

11 A. Towards the end of 2007.

12 Q. And after you observed those facts, was that
13 something that you regularly observed for the
14 rest of your employment?

15 A. I don't understand the question.

16 Q. Okay. You became aware that your time was being
17 closely scrutinized whereas another male's was
18 not, and you say that happened toward the end of
19 2007, right?

20 A. Yes.

21 Q. What I'm asking you is, how long did that
22 continue, that your time was scrutinized and the
23 males' were not?

1 A. Until the end of my employment.

2 Q. Okay. Look at paragraph twenty-six.

3 A. Okay.

4 Q. When did you first observe the situation which is
5 described in paragraph twenty-six?

6 A. Which situation?

7 Q. Oh, the fact that he was twenty minutes -- Jamie
8 was twenty minutes or an hour and a half late and
9 wasn't reprimanded?

10 A. The end of 2007.

11 Q. When did you first observe the situation
12 involving him going behind the dumpster and
13 smoking marijuana?

14 A. I can't recall.

15 Q. Are you able to say what year it was?

16 A. No.

17 Q. The next sentence, you say management was aware
18 of this. Are you referring to the -- that Jamie
19 was behind the dumpster smoking marijuana?

20 A. Yes.

21 Q. Who in management was aware of it?

22 A. Keegan Roberts.

23 Q. Okay. And you say someone was joking with Mr.

1 happened to you?

2 MS. GRECO: Objection to form.

3 THE WITNESS: It could be.

4 BY MR. OPPENHEIMER:

5 Q. Tell me what happened that you think means that
6 your time was closely scrutinized what happened
7 that you're referring to as being a close
8 scrutiny of your time?

9 A. They kept tabs on all my breaks so I felt
10 compelled to mark my timecards with every time I
11 walked out the door to every time I walked in.

12 Q. Okay. And that began in I think you said
13 sometime in 2007.

14 A. Yes, the end.

15 Q. Okay. And this portion of paragraph twenty-nine
16 where you're indicating that Keegan --

17 MS. GRECO: Wait. Wait. We're not --

18 BY MR. OPPENHEIMER:

19 Q. Twenty-five where Keegan would come out and he
20 would look at his arm as if he were looking at
21 his watch, did that also happen in 2007?

22 A. I don't recall. It happened, but I'm not sure of
23 the time frame.

1 Q. Okay. Is this something that you regularly
2 observed after you first became aware of it in
3 2007, that your time was closely scrutinized?

4 A. Yes, when I began to work in the pack room.

5 Q. Okay. Is the -- is it also true for paragraph
6 twenty-six that once you became aware of Jamie
7 being treated more favorably, that is something
8 you regularly observed through the end of your
9 employment?

10 A. Yes.

11 Q. When did you first become aware of the situation
12 involving Sean Round that is described in
13 paragraph twenty-seven?

14 A. When I started working in the pack room.

15 Q. 2007?

16 A. Yes.

17 MS. GRECO: Did you read the whole thing? He's going
18 to ask you questions about it.

19 THE WITNESS: I did.

20 BY MR. OPPENHEIMER:

21 Q. Okay. So it was -- Sean Round was treated
22 differently in terms of getting Saturdays off,
23 that's part of what you're alleging -- your

1 counsel alleged in paragraph twenty-seven?

2 A. Yes.

3 Q. And that is something you became aware of in
4 2007?

5 A. Yes.

6 Q. And that continued for the balance of the period
7 of time that Sean was employed there while you
8 were employed?

9 A. Yes.

10 Q. Okay. Then you mentioned that he would come in
11 anywhere from a half hour to an hour and a half
12 late and would mark his timecard as if he arrived
13 at the scheduled time. When did you become aware
14 of that? I'm asking when you became aware of the
15 timecard business that you have in paragraph
16 twenty-seven.

17 MS. GRECO: I was just directing her to where it is
18 so she knows where to read.

19 THE WITNESS: I don't recall when Tommy brought it to
20 my attention.

21 BY MR. OPPENHEIMER:

22 Q. Is the basis for your knowledge about the
23 timecard business involving Sean Round, that is

1 Q. You address that subject matter in paragraph
2 twenty-nine where Matt Marshall was taking
3 smoking breaks throughout the day?

4 A. Yes.

5 Q. All right. Is it your claim that you were not
6 allowed to take smoking breaks throughout the day
7 on the same basis that employees like Mark Leible
8 and Matt Marshall were permitted to do so?

9 A. Yes.

10 Q. And is it your contention that is because of your
11 gender?

12 A. Yes.

13 Q. And why do you believe it's because of your
14 gender?

15 A. Because the guys got to do whatever they wanted.

16 Q. All right. Go to paragraph thirty-one, please.

17 MS. GRECO: Thirty-one?

18 MR. OPPENHEIMER: Yes.

19 MS. GRECO: Okay.

20 THE WITNESS: Okay.

21 BY MR. OPPENHEIMER:

22 Q. When did you first become aware of the situation
23 which is described in paragraph thirty-one?

1 A. I don't recall.

2 Q. What is the -- strike that. During your -- the
3 period of your employment at Black Angus, did you
4 hear other male employees make comments of a
5 sexual nature other than those that are listed or
6 quoted in paragraph thirty-three?

7 A. Can you repeat the question?

8 Q. Yes. During the period of your employment at
9 Black Angus, did you hear male employees make
10 comments of a sexual nature other than the ones
11 that are quoted in paragraph thirty-three?

12 A. Not that I can recall.

13 Q. Did you ever make comments of a sexual nature
14 while you were employed?

15 MS. GRECO: Objection to the form.

16 THE WITNESS: What?

17 BY MR. OPPENHEIMER:

18 Q. Did you ever make comments of a sexual nature
19 while you were employed at Black Angus?

20 A. No, I did not.

21 Q. Did you ever say in describing your husband that
22 he's a two pump chump?

23 A. No, I did not.

1 MS. GRECO: Are you done with this one?

2 MR. OPPENHEIMER: Yes.

3 THE WITNESS: May of 2010.

4 BY MR. OPPENHEIMER:

5 Q. When is the last time you spoke to Regina Rush?

6 A. May of 2010.

7 Q. The last time you spoke to Taylor Kunzelman?

8 A. I don't recall.

9 Q. Patrick Howells, when is the last time you spoke
10 to him?

11 A. I don't recall.

12 Q. When is the last time you spoke to Roseanne
13 Barnes?

14 A. I think it was 2013.

15 Q. Did you talk about this case?

16 A. No.

17 Q. Did you talk about your claims against Black
18 Angus?

19 A. No.

20 Q. Do you have anything in writing concerning your
21 employment with Black Angus written by Roseanne
22 Barnes?

23 A. No.

1 A. No.

2 Q. All of your pay was through the paychecks -- the
3 payroll system?

4 A. Yes.

5 Q. Okay. Turn to page P321 in Exhibit D-11. What
6 is this page of Exhibit D-11?

7 A. A resume I had help with.

8 Q. Okay. Is it something that you prepared?

9 MS. GRECO: Objection to form.

10 THE WITNESS: I had help with it from One Stop.

11 BY MR. OPPENHEIMER:

12 Q. Okay. And is the substance of the information
13 contained in this document something you provided
14 so that it could be completed?

15 MS. GRECO: Objection.

16 THE WITNESS: I actually provided more, but he picked
17 out stuff for me to put that was pertaining to
18 the job I was applying for.

19 BY MR. OPPENHEIMER:

20 Q. With respect to the entry for a period of 4/04 to
21 5/10, it says that there was -- you were customer
22 service, cashier at Black Angus Meat Market. Do
23 you see that?

1 A. Yes.

2 Q. Did you write that or did the One Stop person
3 write that?

4 A. The One Stop clicked on the stuff that he wanted
5 entered.

6 Q. Okay.

7 A. Pertaining to this job.

8 Q. Did you agree with this?

9 MS. GRECO: Objection to form.

10 BY MR. OPPENHEIMER:

11 Q. Did you agree with what he put in here?

12 A. Yes.

13 Q. Did you use this resume for any purpose?

14 A. For this job at the top.

15 Q. Okay. What job was that?

16 A. Adult care aid slash service provider.

17 Q. What company was that for?

18 A. The one that they had posted in the Unemployment
19 office.

20 Q. Do you have a name for what company it was?

21 A. No, I don't. I don't recall at this time.

22 Q. The next page, P322, line eight, the pay you
23 received at your last job, is that eleven dollars

1 Q. Okay. So it was 2005 to 2008?

2 A. Yes.

3 Q. As far as you were concerned, that's what you --

4 MS. GRECO: Objection to form.

5 BY MR. OPPENHEIMER:

6 Q. Well, you started working in 2005?

7 A. Yes.

8 Q. So you would know from 2005 forward rather than
9 2004 forward, is that what you're saying?

10 A. Yes.

11 Q. Okay. So they worked during the period that you
12 worked, they worked between 2005 and 2008?

13 MS. GRECO: Objection to form.

14 BY MR. OPPENHEIMER:

15 Q. Is that right? You saw them working in the store
16 between 2005 and 2008?

17 A. Yes.

18 MS. GRECO: Objection to form.

19 BY MR. OPPENHEIMER:

20 Q. Okay. During that time period what did you hear
21 about them having black boyfriends from other
22 employees at Black Angus Meats?

23 A. That they should be with one of their own kind,

1 what's wrong with white guys.

2 Q. Who said they should be with one of their own
3 kind?

4 A. Sean Round.

5 Q. When?

6 MS. GRECO: Is she done -- or, I mean, you went on,
7 but is there more?

8 MR. OPPENHEIMER: Well, there may be more. I'll get
9 to it.

10 MS. GRECO: Okay.

11 BY MR. OPPENHEIMER:

12 Q. Who said that they should be with one of their
13 own kind? You said Sean Round. I asked when did
14 that happen?

15 A. When I was employed at Black Angus.

16 Q. Before you were in the pack room or after?

17 A. After.

18 Q. Are you able to say what year? Let me remind
19 you, you said that Raelean and Regina worked --

20 A. I know. I can't remember if it was 2007 or 2008.

21 MS. GRECO: The records speak for themselves when you
22 worked there, but the best recollection you have
23 now.

1 BY MR. OPPENHEIMER:

2 Q. The comment was made by Sean Round in 2007, 2008?

3 MS. GRECO: Objection to form.

4 BY MR. OPPENHEIMER:

5 Q. Is that what you're saying is best recollection?

6 A. Best recollection.

7 Q. What about what is wrong with white guys, who
8 said that?

9 A. Sean Round.

10 Q. When did he say that?

11 MS. GRECO: Objection to form.

12 THE WITNESS: I can't recall at this time.

13 BY MR. OPPENHEIMER:

14 Q. To whom did he say it?

15 A. To Raelean.

16 Q. Were you present when that was said?

17 A. Yes. We were at the deer wrapping station that's
18 offset from the pack room.

19 Q. Are you able to say what year that was?

20 A. I believe that one was in 2007.

21 Q. Okay. What other comments did you hear Sean
22 Round make about Raelean or Regina's dating black
23 guys?

1 break into it. And I says no, why would you ask
2 me that and he says well, you have two black kids
3 and that's what black people do. And I says my
4 kids don't break into stuff, so why would he call
5 -- why would he say that about my kids. He goes
6 well, they're niggers. And I says that I can't
7 believe you said that, and I got very upset and
8 Tommy was right at the butcher block right by the
9 other wrapping table and that's where Debbie was
10 too. And Tommy and Debbie both told Jamie that
11 his actions were inappropriate.

12 Q. You heard both of them say that?

13 A. Yes.

14 Q. Okay. Did Jamie say anything in response?

15 A. I don't know what he mumbled on the way to the
16 washroom.

17 Q. Okay. Did anything happen after that involving
18 Keegan and that incident?

19 A. I was called into the office by Bob and Keegan
20 and I believe the 25th of May and they wanted to
21 know what happened. I told them. They called
22 Jamie in, asked him what happened and he told
23 them that he wasn't talking to me and it was

1 nice.

2 Q. What happened next with respect to this incident?

3 A. Jamie -- he says okay, Jamie, you're done.

4 Keegan walked out the office door closest to the
5 employee entrance and I talked with Bob then, and
6 Bob told me that I would have to get used to
7 things like that, people are mean and cruel, and
8 I said so it's okay for one of my co-workers to
9 call my kids niggers and he says it happens in
10 politics and it happens in sports so I'm going
11 have to get used to the idea.

12 Q. What was the date of this conversation?

13 A. I believe it was May 25th, and I told Bob then I
14 was uncomfortable with the situation and he said
15 -- no. I was uncomfortable with working with
16 Jamie and he said he was uncomfortable with the
17 situation also and I could leave now. I was
18 punched in for work at about -- for about two and
19 a half hours.

20 Q. At some point, you had written a letter about the
21 incident to Robert and Diane?

22 A. Yes.

23 Q. I'm putting in front of you 195. On the very

1 lot of significant events in your life, but you
2 never posted anything at all about your treatment
3 at work?

4 MS. GRECO: Objection to form.

5 THE WITNESS: Not that I can recall.

6 BY MS. BAHAS:

7 Q. Now, Miss Black, it's your claim that you were
8 treated so badly at Black Angus you sought mental
9 health counseling about the way you were treated,
10 is that correct?

11 A. Yes.

12 Q. You claim you began receiving this mental health
13 counseling regarding your treatment at work in
14 2006?

15 MS. GRECO: Object to the form.

16 THE WITNESS: Among other things.

17 BY MS. BAHAS:

18 Q. So is that a yes?

19 A. Yes.

20 Q. So then it clearly bothered you that you were
21 subjected, in your view, to a hostile work
22 environment at Black Angus, correct?

23 MS. GRECO: Objection to form.

1 Q. Do you see the next line down, name of patient,
2 Darcy Black?

3 A. Yes.

4 Q. Do you see that it's dated August 12th of 2009?

5 A. Yes.

6 Q. Now, I would like to direct your attention
7 specifically to the third paragraph from the top.
8 It starts with the words, she talked quite a bit
9 about her work situation. Do you see where I'm
10 referring to?

11 A. Yes.

12 Q. It states, she talked quite a bit about her work
13 situation, how the men, they are not treating her
14 very well and complaining that she takes breaks,
15 which she's allowed to do. Although she has been
16 there several years, she is looking around to
17 find a new job and there might be a good prospect
18 through a friend. Did I read that correctly?

19 A. Yes.

20 Q. Does that refresh your recollection as to whether
21 or not you ever told a health care provider that
22 you were considering quitting your job in 2009?

23 A. No.

1 A. Yes.

2 Q. What do you mean?

3 A. At the end. I met with an attorney.

4 Q. Regarding your bankruptcy?

5 A. Yes.

6 Q. When was that meeting?

7 A. I can't recall the exact date.

8 Q. Who was the attorney?

9 A. David Butterini.

10 Q. So your first meeting with Mr. Butterini was at
11 the end of 2008?

12 MS. GRECO: Objection to form.

13 THE WITNESS: I'm not sure if that's when I met him.

14 I know I did talk to his secretary on the phone.

15 BY MS. BAHAS:

16 Q. When was the first time you spoke with Mr.
17 Butterini?

18 A. I can't recall.

19 Q. Approximately how many times did you speak with
20 Mr. Butterini?

21 A. Three.

22 Q. You spoke with Mr. Butterini three times total,
23 is that correct?

1 A. I believe so.

2 Q. So tell me about the first time you spoke with
3 him. Was that on the telephone or in person?

4 A. In person.

5 Q. Where did you have that meeting?

6 A. At his office.

7 Q. Who was present in his office when you had that
8 meeting?

9 A. Myself and Mr. Butterini.

10 Q. No one else was present?

11 A. No.

12 Q. After you concluded that first meeting, did you
13 speak with anyone about that meeting?

14 A. No.

15 Q. You never told your boyfriend at the time that
16 you met with Mr. Butterini?

17 A. I can't recall. He, maybe, knew I went there.

18 Q. Did he know you were filing for bankruptcy?

19 A. Yes, he did.

20 Q. How did he know that?

21 A. Because he witnessed the paperwork I had to fill
22 out.

23 Q. What paperwork?

1 A. A pamphlet of papers.

2 Q. Were these papers that you were giving to Mr.
3 Butterini or papers that you were submitting to
4 the court? What type of papers, specifically,
5 did he witness you filling out?

6 MS. GRECO: Objection to form.

7 THE WITNESS: David Butterini gave me a pamphlet of
8 papers to fill out and to bring back when I was
9 done.

10 BY MS. BAHAS:

11 Q. Your boyfriend saw you filling those out, or what
12 is your testimony related to that?

13 MS. GRECO: Objection to form.

14 THE WITNESS: I did them in the house. He must have
15 seen them. I didn't talk to him about it.

16 BY MS. BAHAS:

17 Q. So that's how you believe your boyfriend knew
18 that you were filing for bankruptcy?

19 A. Yes.

20 Q. He watched you filling out papers?

21 MS. GRECO: Objection to form.

22 THE WITNESS: I believe so.

23 BY MS. BAHAS:

1 (Whereupon, a short recess was then taken.)

2 | THE COURT REPORTER: Eleven o'clock.

3 BY MS. BAHAS:

4 Q. Miss Black you mentioned that you filled out a
5 pamphlet of papers for Mr. Butterini, is that
6 correct?

7 A. Yes.

8 Q. How many pages was that pamphlet?

9 A. I don't know. I can't recall.

10 Q. You filled it out at home?

11 A. Yes.

12 Q. When did you fill that out?

13 A. I'm not sure.

14 Q. You had three meetings with him, correct?

15 | A. Yes.

16 Q. Was it after the first meeting?

17 A. Yes.

18 Q. Before the second meeting?

19 A. Yes.

20 Q. Did you bring it to him for the second meeting?

21 A. I brought it to his secretary.

22 Q. Did you speak with his secretary about it?

23 A. Just when I handed it in and she said that he'll

1 THE WITNESS: He knows why I'm here today.

2 BY MS. BAHAS:

3 Q. But you never had a conversation with him about
4 the fact that you resigned?

5 A. I might have said that I wrote a letter saying
6 that I gave my two weeks' notice. I'm not sure
7 when or where I was.

8 Q. You testified earlier that you would come home in
9 tears after work occasionally, is that correct?

10 A. Yes.

11 Q. How often would that happen?

12 MS. GRECO: Object to the form.

13 THE WITNESS: Probably four days out of five.

14 BY MS. BAHAS:

15 Q. Four days out of five that you were working?

16 A. Yeah.

17 Q. For the entire period of your employment?

18 MS. GRECO: Object to form.

19 THE WITNESS: I don't know that. I can't remember
20 when it started.

21 BY MS. BAHAS:

22 Q. Well, you began receiving mental health
23 counseling regarding their treatment at Black

1 Q. Now, you said that you left work crying four out
2 of five days because of the treatment you
3 received at Black Angus.

4 A. Yes.

5 Q. Did you ever talk to Regina Rush about that?

6 A. She would sometimes see me leave crying.

7 Q. You said that she babysat your children, correct?

8 A. Her and her sister.

9 Q. Both of them babysat your children?

10 A. At the same time.

11 MS. GRECO: Object to the form.

12 BY MS. BAHAS:

13 Q. So is it fair to say you trusted them enough to
14 watch your children?

15 A. Yeah.

16 Q. Did you ever have any conversation with them
17 about any of the things that were bothering you
18 in the workplace?

19 A. Like what bothered me?

20 Q. You tell me what bothered you.

21 MS. GRECO: Object to form.

22 THE WITNESS: I didn't discuss it with them. They
23 knew when I was upset because they would see me